

# NEWS CLIPS

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**Resource Conservation and Public Outreach**

Organized by date

# 6 more Michigan public workers charged in Flint water crisis

Source: LA Times 7/29/16



Six current or former state employees were charged Friday with misconduct and other crimes in the Flint, Mich., water crisis, bringing to nine the number of public officials facing prosecution over the lead contamination that alarmed parents across the country.

Atty. Gen. Bill Schuette brought 18 charges against three employees from the Department of Environmental Quality — Liane Shekter Smith, Adam Rosenthal and Patrick Cook — and three from the Department of Health and Human Services — Nancy Peeler, Corinne Miller and Robert Scott. In addition to the misconduct in office charges, there are willful neglect of duty and various conspiracy counts.

Schuette announced the charges Friday at a news conference in Flint, a poor, majority-black city of 100,000 that for 18 months used the Flint River for tap water as a way to save money while a new pipeline was under construction.

The decision was made by a state-appointed emergency manager. The water, which wasn't treated to control corrosion, leached lead from aging pipes and fixtures as it flowed into homes and businesses in the city about 55 miles north of Detroit. Elevated levels of the toxin were discovered in children.

Shekter Smith, former head of the state's drinking water office, appeared last month in a Detroit courtroom so her lawyer could assert her constitutional right against self-incrimination amid ongoing investigations. She hadn't yet been charged but was reassigned after the water crisis came to light, and her firing was announced in February.

Shekter Smith's attorney, Brian Morley, said Friday that he was surprised she was charged.

"It's disappointing. ... I think we're going to be really hard-pressed to find that she did anything wrong, and certainly nothing criminally wrong," he said.

It's the second round of charges stemming from the water crisis. In January, Schuette announced the appointment of a special counsel to help his office investigate whether laws were broken. In April, two state regulators and a city employee were charged with official

misconduct, evidence-tampering and other offenses. At the time, the Republican attorney general guaranteed others would be charged.

Flint utilities administrator Mike Glasgow struck a deal with prosecutors in May, pledging cooperation in exchange for reduced charges as authorities continue investigating lead contamination of the city's drinking water supply. He entered a no contest plea to one count of willful neglect of duty, a misdemeanor, in exchange for dismissal of a felony charge of tampering with evidence.

Two state Department of Environmental Quality officials also were charged with misconduct, conspiracy, tampering with test results and misdemeanor violations of clean-water law and await preliminary examinations.

In June, Schuette filed a lawsuit against two water engineering companies, saying their negligence caused and exacerbated Flint's lead-tainted water crisis and demanding what could total hundreds of millions of dollars in damages.

The public health emergency was preceded by E. coli detections; resident complaints about color, odor and taste; and high levels of a disinfectant byproduct. A General Motors plant had stopped using the water just six months after the 2014 switch because it was rusting engine parts, and experts suspect a deadly Legionnaires' disease outbreak was tied to the water.

Gov. Rick Snyder has apologized for regulatory failures, and the state environmental agency has said it wasn't required to add an anti-corrosion chemical until after a year of testing.

In March, a state task force that investigated the Flint crisis concluded that it was a "case of environmental injustice." The Michigan Civil Rights Commission is holding public hearings on the matter.

Federal experts now say filtered tap water is safe for everyone to drink in Flint, though some doctors still are recommending bottled water for pregnant women and children 5 and younger.

Source: The Acorn 7/28/16

## **District says supplies adequate, for now**

Las Virgenes Municipal Water District announced it has complied with the State Water Resources Control Board's new requirement to meet a three-year water supply "stress test" without adopting additional water conservation measures, provided its customers continue to practice efficient water use.

The new state requirement replaces emergency water conservation regulations that were adopted in 2014 and renewed in May 2016.

LVMWD has certified to the control board it can withstand a three-year drought similar to that experienced from 2013 to 2015 by relying on supplies from the Metropolitan Water District of Southern California, which made a similar declaration to the board on June 15.

"The drought is not over, but we do not anticipate placing additional conservation requirements on our customers for the foreseeable future. Their existing conservation practices and the adoption of water budgets have us in a position that is sustainable," said David W. Pedersen, LVMWD general manager.

"We are still under a state mandate to reduce overall usage 20 percent by 2020," he added.

Behavioral changes, water-wise landscapes and applied technology have helped to reduce local water usage.

Source: The Acorn 7/28/16

## **Las Virgenes development**

Win, lose or draw, the citizen effort to gather sufficient signatures to put a referendum on the November ballot is an example of the best our way of life has to offer.

The real culprit in this situation is the Calabasas City Council, which permitted its planning staff and planning commission to submit a project for consideration on a property that no one knows where the developable area is and where the protected land is.

This is supposedly the only property in Calabasas suffering such a lack of specificity. That explains why the planning staff publicly moved the developable property boundaries at least three times during the approval process.

Bear in mind that the City Council supported a measure written by Councilmember James Bozajian and passed by the city's voters, which provides that only after a vote of the people may protected property be rezoned for development. One would have thought that the council, out of an abundance of caution, would have required the proposed plan to be submitted to a vote of the people as required by the Bozajian measure.

Nope, even Councilmember Bozajian didn't request that. It was left to the residents to try to protect the view and water sheds in question.

City Manager Coroalles also has weighed in saying this is the best project the city can get. Firstly, that's not Mr. Coroalles' call. Secondly, perhaps he and his staff should listen more closely to the residents—some of whom are actually vastly more experienced in land planning than the city staffers—on how to design a better project.

If Mr. Coroalles and members of his staff don't know how to go about getting a better project in a democratic environment, perhaps he and they should sell their services elsewhere.

**Karmen Brower**  
**Calabasas**

# Do-not-drink water advisory lifted in Palos Verdes Estates

Source: LA Times 7/27/16

Residents of about 200 homes in Palos Verdes Estates were advised not to drink or cook with tap water from Monday night until Wednesday midday after maintenance workers discovered the locks had been broken on a remote water storage tank.

Although initial testing revealed no abnormalities, California Water Service told residents to avoid consuming water until a fresh supply was introduced into the distribution system. They sent notices door-to-door and also contacted individuals via e-mail and phone numbers on record.

Cal Water flushed hydrants and brought in fresh water. The advisory was lifted Wednesday after testing confirmed the water was safe.

“We issued this do-not-drink advisory out of an abundance of caution because protecting our customers’ health and safety is our highest priority,” the private utility said in a statement posted on its [website](#).

Rumors of fecal matter in the water supply were false, the statement said.

The security breach was discovered during a routine maintenance check of the 50,000-gallon tank, said Yvonne Kingman, corporate communications manager at Cal Water.

Some storage sites are only required to be checked weekly, but inspectors had visited the tank in question less than a week before the broken locks were discovered. Kingman said that the environment “looked freshly disturbed,” indicating the breach happened shortly before the discovery.

The State Division of Drinking Water and local law enforcement are investigating the incident.

“We did have layers of security in place already,” Kingman said. “But we’re going to take a look at what additional security measures we need to put in place to ensure this doesn’t happen again.”

Cal Water is also working to calculate the monetary costs of the incident.

The storage tank has been isolated from the system and is still not in use, said Andrew DiLuccia, public information officer at the State Water Resources Control Board.

Residents were told they can be reimbursed for bottled water purchased during the advisory period by sending receipts to Cal Water’s customer center, 263 West 237<sup>th</sup> Street, Torrance, CA 90505.

## **Ready, Set, GROW!**

This Saturday, pick up a load of FREE Rancho Las Virgenes Community Compost and watch your garden grow.

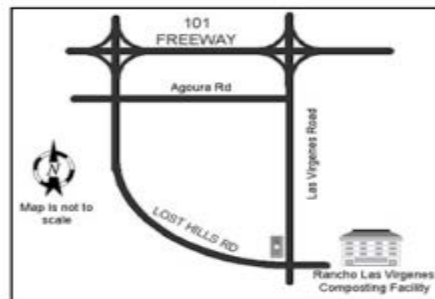
As the summer season is now underway, your plants will love the soil enriching nutrients found in RLV compost.

It's ideal for lawns, shrubs, ornamentals and vegetable gardens and it saves water by helping the soil retain moisture.

RLV compost qualifies for the USEPA's "Class-A Exceptional Quality" rating and is the preferred choice of many local gardeners and professional landscapers.



**Anyone can pick up FREE compost every Saturday, 8 a.m. to 1 p.m., at our Rancho Las Virgenes Composting Facility located at 3700 Las Virgenes Rd in Calabasas.**



For more information, visit [www.LVMWD.com/community-compost](http://www.LVMWD.com/community-compost).



**TRIUNFO  
SANITATION  
DISTRICT**



## Last Chance for a Rebate on Four Rain Barrels

### **Act Now Before the July 31 Deadline!**

The rainy season may be over for now, but what about next year?

Follow these steps to receive up to \$800 in rebates when you install water-saving rain barrels at your home.

1. Register online to reserve up to four rain barrel installation rebates. \$125 rebate for the installation of each barrel. [www.LVMWD.com/Rain-Barrels](http://www.LVMWD.com/Rain-Barrels)
2. Then, buy up to four qualifying rain barrels and get a \$75 rebate on each one from SoCalWaterSmart.com.

*You'll save money, save water and smile every time it rains!*



More information, forms and links can be found at  
[www.LVMWD.com/Rain-Barrels](http://www.LVMWD.com/Rain-Barrels)

*This offer only applies to residential customers of Las Virgenes Municipal Water District.*

*Rain barrels and installation must comply with the standards published at: [socialwatersmart.com/?page\\_id=2973](http://socialwatersmart.com/?page_id=2973)*

*Proper installation will require modification of rain gutter downspouts, an elevated base for the barrel and a means to secure the barrel from tipping.*

*Photo documentation of the installation and onsite inspection may be required for installation rebate.*

*This is a limited-time offer that will expire when designated grant funding is exhausted.*



*The Las Virgenes – Triunfo JPA invites you to attend a free tour*

## **Protecting the Malibu Creek Watershed**

Join us for a free guided bus tour of key locations in the Malibu Creek watershed; learn its unique characteristics and the vital role played by wastewater treatment practices that protect public health and the environment. You will visit several interesting sites, including the Tapia Water Reclamation Facility, the Rancho Las Virgenes Composting Facility and the Solar Power Generation Facility.



**Saturday, August 6, 2016  
from 8:45 a.m. to 1:00 p.m.**

- Pre-registration is a requirement - sign up at [www.LVMWD.com/QuarterlyTour](http://www.LVMWD.com/QuarterlyTour); walk-ins cannot be accepted.
- Complimentary breakfast snacks and a light lunch will be provided.
- Guests must be age 10 or older; children under 18 must be accompanied by a responsible adult.
- Inclines and stairs should be expected; comfortable walking shoes are recommended.
- Preference is given to customers of Las Virgenes Municipal Water District and Triunfo Sanitation District.



Tours are offered by the Governing Board of  
Las Virgenes-Triunfo Joint Powers Authority

[www.LVMWD.com/QuarterlyTours](http://www.LVMWD.com/QuarterlyTours)

# Yorba Linda residents can't use a referendum to void water rate hikes

Source: LA Times 7/25/16

An Orange County Superior Court judge ruled Monday in a closely watched case that customers of a water district cannot void rate increases using a referendum.

The ruling comes in the protracted fight between a group of Yorba Linda residents and their water provider over a \$25-a-month rate increase. The dispute has at times become heated as both sides have accused the other of distorting facts. Two of the water district's five board members now face recalls, and one other board member announced last week that he would retire rather than face reelection in the fall.

Having failed to overturn the increase through the traditional process, the residents had submitted a referendum, demanding that the district repeal the new rates or put them up to a vote.

But the water district rejected the referendum, saying it was not valid under the law, so the residents sued the district in January asking the court to order the water provider to honor the referendum.

But on Monday, Judge Robert J. Moss denied that request. In court documents, Moss nodded to California's prolonged drought and wrote that the "consequences" of the court ordering the water district to repeal the rates or put them on the ballot "would be serious."

The water rates, Moss wrote, were "passed as an urgency measure enacted to avoid severe constraints on the district's ability to meet its fixed financial obligations during the current severe drought."

"This finding, coupled with the finding that the essential governmental function of providing safe, clean, potable water might be impaired if the referendum is allowed to proceed, compel the court to deny the petition," Moss wrote in his decision.

Ed Rakochy, a spokesman for the Yorba Linda Taxpayers Assn., which had sued the water district, said he was "very disappointed" by the decision.

"The judge missed the constitutional argument that the voters have a right to a referendum," Rakochy said. "There's no hard evidence that this was an emergency measure. It wasn't even passed as an emergency measure. It's like looking at a cat and saying, 'That's a nice dog.'"

"In my humble opinion, I don't think the judge wants to rock the boat... This is a safe decision. He can sit there and claim, 'Hey, we were in a drought.'"

Yorba Linda Water District spokesman Damon Micalizzi said, "It's unfortunate that it had to come to this, but as you can see, the judge's ruling validates everything we've done, every step of the way."

Across California, the drought and mandatory water conservation have been driving down water use, and in some cases, left gaping holes in the budgets of water providers, officials from

various water districts have said. To help cover the deficits, some suppliers have chosen to raise water rates.

Many officials at those water districts said they were watching the [Yorba Linda](#) case and worrying about its potential effect on their own rate-making ability.

Had the court allowed water rate increases to be repealed through a referendum, officials said they were concerned that residents would turn to that option whenever they did not want to pay an increase. That kind of revenue instability would cause districts to default on debt obligations and eventually go bankrupt, officials warned.

But members of the Yorba Linda Taxpayers Assn. countered that although they did not want to hinder their district's ability to operate, the power to decide a rate increase should rest with the ratepayers – and that power should be easier for them to exercise than it is under voter-approved Proposition 218.

Leaders of the taxpayers group said they felt exploited by the hasty increase, which raised the basic service charge to \$41 from about \$16. They said the increase was excessive, and their attorneys argued that the residents had a constitutional right to repeal the rates through a referendum.

Moss disagreed, writing in his two-page order that “while voters have a right to challenge legislative enactments through the referendum process, that right is not unlimited.”

The California Constitution, Moss wrote, “specifically precludes certain types of legislative enactments from the referendum process. Namely, statutes that are urgency statutes.”

He wrote that the court was “persuaded” that the water rate hikes were an “urgency measure.”

Rakochoy, the spokesman for the residents' group, said he and his colleagues would “talk over” whether to appeal the ruling.

Citing loosened state conservation requirements and an anticipated increase in water sales, the water district's board unanimously adopted new water rates last week that reduced the basic service charge by about \$9.

In setting the new rates, the board also rescinded the old ones, which is one of two specific actions that residents had demanded in their lawsuit.

But Rakochoy said the decrease “hasn't changed our thinking.”

“The rates need to go down more — \$9 is a joke,” he said, adding that the water district should provide rebates to its customers to cover what the group says is higher-than-projected profits.

As the fight in Yorba Linda evolved, the rhetoric between the water district and some of its customers became heated and personal.

On the taxpayer association's Facebook page, a few residents called for a boycott of a local restaurant owned by one of the water district's board members. Meanwhile, water district board members have openly accused the group of attempting to seize political power.

Earlier this year the taxpayers association filed petitions with the Orange County registrar of voters to recall two of the water district's five board members; those petitions qualified Thursday, the registrar of voters said.

Two other board members had been up for reelection in the fall, but one of them, Michael Beverage, announced last week that he would not seek another term.

Yorba Linda Water District Board President Ric Collett said he hopes that the court decision will help sway voters to oppose the recall.

He said the lawsuit cost the district about \$250,000; the district's recent rate instability forced the district to refinance loans at a higher-than-normal rate, costing ratepayers an additional \$330,000, he added.

Collett said he would ask the district's legal counsel whether it would be appropriate to countersue the Yorba Linda Taxpayers Assn. and plaintiff Kent Ebinger to recover legal fees.

The taxpayer group, which Collett said has functioned under different names in the past, "has caused dissension in our community for too many years."

"It's time," Collett said, "to push back a little and say, 'Stop.'"